

REMARKS

Claims 1 – 10, 12 – 20 and 82 – 83 were presented for examination in the present application. This Amendment adds claims 85 – 87. Accordingly, claims 1 – 10, 12 – 20, 82 – 83 and 85 – 87 remain pending upon entry of this Amendment. For at least the reasons set forth below, Applicants respectfully submit that claims 1 – 10, 12 – 20, 82 – 83 and 85 – 87 are patentable over the cited art.

The Office Action submits that a new oath or declaration with the correct “duty to disclose” statement in compliance with 37 CFR 1.67(a) is required. Applicants respectfully submit that since this application was filed prior to June 1, 2008, a new oath or declaration is not required in view of the USPTO Announcement entitled “Duty of Disclosure Language Set Forth in Oaths or Declarations Filed in Nonprovisional Patent Applications” dated January 22, 2008 and signed by Director Jon W. Dudas. The USPTO Announcement states that, “[f]or pending applications, the Office is hereby *sua sponte* waiving the express language requirement of 37 CFR 1.63(b)(3), where the oath or declaration was filed prior to June 1, 2008. The express language of 37 CFR 1.63(b)(3) is waived only to the extent necessary such that an oath or declaration containing the ‘material to examination’ or ‘in accordance with §1.56(a)’ language, or both, will be accepted as acknowledging the applicant’s duty to disclose information ‘material to patentability’ as defined in 37 CFR 1.56.” Accordingly, reconsideration and withdrawal of the request for a new oath or declaration are respectfully request.

Claims 1 – 10 and 12 – 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. By the present Amendment, Applicants have amended claims 1 – 10 and 12 – 14 in view of the Examiner’s comments. Applicants respectfully submit that claims 1 – 10 and 12 – 17 now even more fully satisfy the requirement of the second paragraph of 35 U.S.C. §112. Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1 – 4, 6 – 9 and 12 – 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. JP 09164300A to Nakao et al. (hereinafter “Nakao”) in view of United Kingdom Patent Application No. GB2163574A to Wellcome et al. (hereinafter “Wellcome”). For at least the reasons set forth below, Applicants submit that claims 1 – 4, 6 – 9 and 12 – 17 are not disclosed or suggested by Nakao in view of Wellcome.

Applicants respectfully submit that the translation of Nakao is unclear and incomprehensible. For example, paragraph [0010] that purportedly describes drawing 2 is difficult to understand because of redundant terms, ambiguous statements and grammatical flaws. The translation recites, “(23) is the handle body fixed to the base covering (24), and while having the grip section (26) with which the top face was covered by the arm top cover (25), back is covered with back covering (27).” However, reference number (23) points to the interior of the iron just above the base in a location that is not part of the handle body. In paragraph [0011], the translation further recites, “(32) is the water tank which has a nozzle (33) at the pars basilaris ossis occipitalis, and builds in the closing motion object (34) which closes this nozzle normally.” The phrase “pars basilaris ossis occipitalis” is a Latin term that is often associated with a part of a bone. Accordingly, a person having ordinary skill in the art would not understand this term. In view of the above, Applicants respectfully request that a comprehensible translation of Nakao be provided or reconsideration and withdrawal of the rejection of claims 1 – 4, 6 – 9 and 12 – 17.

Independent claim 1 recites a controller for use with a fabric grooming device having, among other features, a plurality of input selectors, a plurality of output indicators, and a digital display panel for displaying scrolled text and segmented text. The input selectors, output indicators and digital display panel are each incorporated on an interactive user interface. The interactive user interface is integrated onto a handle of the fabric grooming device. At least one of the input selectors is a fabric selector.

In contrast, Nakao provides a cordless iron having only one input selector, namely a setup key (29) that carries out the depression of the temperature configuration switch (11). See page 4, lines 6 – 7. Nakao fails to disclose or suggest a plurality of input selectors, a plurality of output indicators and a digital display panel that are each incorporated on an interactive user interface, where the interactive user interface is integrated onto a handle of the fabric grooming device. Even further, Nakao fails to disclose or suggest a fabric selector.

As conceded by the Office Action, Nakao does not disclose at least one of the input selectors being a fabric setting selector; and one or more input selectors having an image or symbol associated therewith for identifying the function and/or operation corresponding thereto. The Office Action submits that Wellcome teaches a display panel (6) comprising multiple input selection buttons (7), each button corresponding to a particular temperature of the iron (1) as well as fabric types suitable for each temperature and convention dot markings used on conventional iron temperature controls. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to modify the input selector of Nakao with a plurality of input selectors and an image/symbol associated to the input selector in order to provide the user indication marks that coincide with fabric types/temperatures, thereby allowing the user to readily and easily set a temperature according to fabric types. Applicants respectfully traverse this contention.

Wellcome provides a control box that accommodates electronic components for controlling the working components of an iron. The box is provided with a user-operable control and a display panel for controlling the operation of the iron. The control box, or user interface, is not integrated onto the iron as it is in the fabric grooming device recited in claim 1. Instead, it is interposed at any suitable location along an electrical lead. The control box may be arranged to stand on, or clip onto an ironing board. Alternatively, the box may stand on a table-top or on the floor.

Applicants respectfully submit that a person having ordinary skill in the art would clearly not combine the display panel of Wellcome with the cordless iron of Nakao for at least three reasons.

First, the combination of the plurality of input selectors of Wellcome to the digital display panel of Nakao would render the cordless iron of Nakao inoperable and destroy its functionality. The input selectors and the control box of Wellcome are clearly too large to fit within the display panel or the handle of Nakao. Accordingly, a person having ordinary skill in the art would not have added the input selectors of Wellcome to the digital display panel of Nakao.

Second, Wellcome teaches away from the elements of claim 1, namely a controller having a plurality of input selectors, a plurality of output indicators and a digital display panel that are each incorporated on an interactive user interface, where the interactive user interface is integrated onto a handle of the fabric grooming device. Wellcome expressly provides that one of the problems the device alleviates is having the heating element located too close to the temperature control to allow an electronic rather than a mechanical, temperature control to be employed. Wellcome further provides that the electronic control may be susceptible to malfunction under high temperature conditions. See lines 19 – 29. Accordingly, a person having ordinary skill in the art would not have added the control box of Wellcome to the cordless iron of Nakao.

Third, the Office Action has used an improper standard in arriving at the rejection of the above claim under §103(a) based on improper hindsight, which fails to consider the totality of Applicants' invention and the totality of the cited references. More specifically, the Office Action has used Applicants' disclosure to select portions of the cited references to allegedly arrive at Applicants' invention. In doing so, the Office Action has failed to consider the teachings of the references or Applicants' invention as a whole in contravention of §103(a), including the disclosures of the references which

teach away from Applicants' invention. *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985).

The Office Action also contends that Nakao discloses the liquid crystal display (13) for displaying set temperature and the temperature level, which would be inherently segmented text/numbers. The Office Action states that Nakao clearly discloses a liquid crystal display (13) for displaying set temperature and the temperature level and would have the ability to display both scrolled and segmented text/numbers. This contention is respectfully traversed.

The *Manual of Patent Examination Procedure* §2112 states, "[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Applicants respectfully submit that the digital display panel provided in claim 1 does not read on liquid crystal display (13) in Nakao. Furthermore, Nakao does not disclose or suggest that the liquid crystal display (13) displays scrolling text and thus, it is a mere possibility that the liquid crystal display (13) is capable of displaying anything other than segmented text.

Accordingly, for at least the aforementioned reasons, independent claims 1 – 4, 6 – 9 and 12 – 17 that depend therefrom, are in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 – 4, 6 – 9 and 12 – 17.

Claims 5 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakao in view of Wellcome as applied to claims 2 – 4, 6 and 7 above, and further in view of U.S. Publication No. 2003/0074903 to Upadhye et al. (hereinafter "Upadhye").

Since independent claim 1 is believed to be in condition for allowance and claims 5 and 10 depend therefrom, Applicants respectfully submit that claims 5 and 10 are also believed to be in condition for allowance.

Furthermore, for at least the additional reasons set forth below, Applicants submit that claims 5 and 10 are not disclosed or suggested by the combination of Nakao, Wellcome and Upadhye.

Dependent claim 5 provides that at least one of the plurality of input selectors is an LED panel. Dependent claim 10 provides that at least one of the plurality of output indicators is an LED panel.

The Office Action contends that a touchscreen LCD panel and an LED panel for a portable heating device are equivalent structures known in the art. Thus, one of ordinary skill in the art would have found it obvious to utilize a touchscreen selector on an LCD or LED panel to provide a low power consumption and higher resolution device, and thereby providing a quality product interaction experience. Applicants respectfully traverse this contention and submit that claims 5 and 10 are not rendered obvious by the combination of Nakao, Wellcome and Upadhye.

First, the combination of the plurality of input selectors of Wellcome and the user interface of Upadhye to the digital display panel of Nakao would render the cordless iron of Nakao inoperable and destroy its functionality. The input selectors and the control box of Wellcome, as well as the user interface, of Upadhye are clearly too large to fit within the display panel or the handle of Nakao.

Second, Wellcome and Upadhye teach away from the elements of claims 5 and 10, for the reasons discussed above. Similarly to Wellcome, Upadhye provides a large, handheld control unit that is located remotely from a bottle for heating and cooling. The control unit is connected to the bottle via a series of pipes, coils and/or wires.

Accordingly, a person having ordinary skill in the art would not have added the control box of Wellcome or the user interface of Upadhye to the cordless iron of Nakao.

Third, the Office Action has used an improper standard in arriving at the rejection of the above claim under §103(a) based on improper hindsight, which fails to consider the totality of Applicants' invention and the totality of the cited references. More specifically, the Office Action has used Applicants' disclosure to select portions of the cited references to allegedly arrive at Applicants' invention. In doing so, the Office Action has failed to consider the teachings of the references or Applicants' invention as a whole in contravention of §103(a), including the disclosures of the references which teach away from Applicants' invention. *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985).

Claims 18 – 20, 82 and 83 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakao in view of in view of U.S. Patent No. 6,255,630 to Barnes et al. (hereinafter "Barnes").

Independent claims 18 and 20 recite a controller for use with a fabric grooming device having, among other features, a plurality of input selectors, a plurality of output indicators, and a digital display panel for displaying scrolled text and segmented text. The input selectors, output indicators and digital display panel are each incorporated on an interactive user interface. The interactive user interface is integrated onto a handle of the fabric grooming device.

Independent claim 19 recites a controller for use with a fabric grooming device having, among other features, a steam selector that is operatively connected to a steam generator to provide selective manipulation of steam generation levels.

Applicants respectfully submit that it a person having ordinary skill in the art would not combine the control panel of Barnes with the cordless iron of Nakao for at least two reasons.

First, the combination of Barnes with Nakao would destroy the functionality of Nakao by rendering the cordless iron inoperable because the control panel of Barnes is clearly too large to fit within the handle of Nakao.

Second, the Office Action submits that it would have been obvious to modify Nakao with a scrolling text LCD display in order to provide information based on ease of use of and convenience, thereby decreasing the operating complexity of the device. Applicants respectfully submit that the Office Action must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See In re Oetiker, 977 F.2d 1443, 1446 (Fed. Cir. 1992). Nakao teaches a fabric grooming appliance. In contrast, Barnes teaches a cooking appliance that is not in Applicant's field of endeavor. Further, the cooking appliance is not reasonably pertinent to the particular problem with which the inventor was concerned. Thus, the Office Action has failed to establish a *prima facie* case of obviousness for claims 18 – 20, 82 and 83.

Accordingly, claims 18 – 20, 82 and 83 are not rendered obvious over Nakao in view of Barnes. Reconsideration and withdrawal of the rejection to claims 18 – 20, 82 and 83 under 35 U.S.C. §103(a) are respectfully requested.

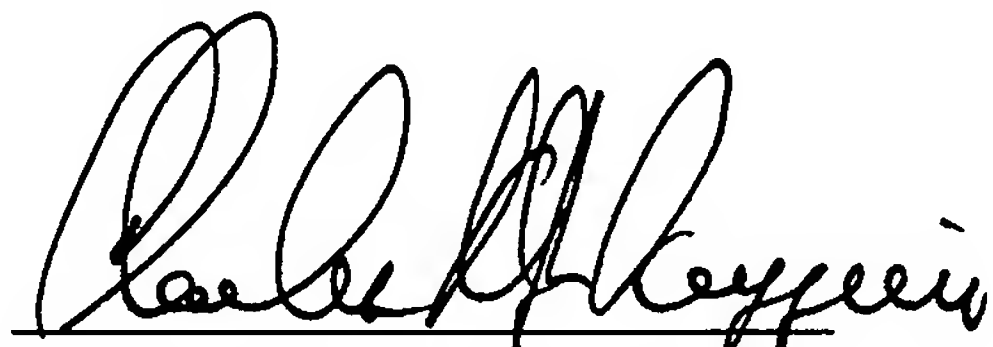
Claims 85 – 87 have been added to point out various aspects of the present application. It is submitted that new claims 85 – 87 are directed to the elected embodiment. Support for new claims 85 – 87 can be found in the specification at least at page 7, lines 6 – 8. It is believed that new claims 85 – 87 are in a condition for allowance. For example, none of the four cited references, namely Nakao, Wellcome, Upadhye and Barnes, disclose or suggest a steam selector that is operatively connected to a steam generator to provide selective manipulation of steam generation levels.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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